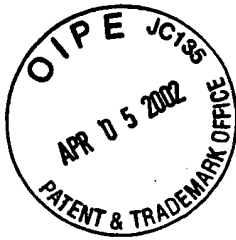


Express Mail Label: EL95335521US



m.m. 04-09-02
A Partnership Including
Professional Corporations
3150 Porter Drive
Palo Alto, CA 94304-1212
650-813-5000
Facsimile 650-813-5100
www.mwe.com

0300

Boston
Chicago
London
Los Angeles
Miami
Munich
New York
Orange County
Silicon Valley
Washington, D.C.

MCDERMOTT, WILL & EMERY

April 3, 2002

BOX: NOTICE OF OMITTED ITEMS

Assistant Commissioner for Patents
U.S. Patent and Trademark Office
Washington, D.C. 20231

RE: Response to Notice of Omitted Items
Applicant: David Cook and Terry Hester
Serial No: 09/976,507
Filed: 10/12/2001
Our File: 62967-034

RECEIVED

MAY 09 2002

OFFICE OF PETITIONS

Dear Sir/Madam:

Applicant herewith responds to the Notice of Omitted Items mailed 02/06/2002 by submitting the following documents:

1. Transmittal letter;
2. Copy of Notice of Omitted Items;
3. Petition and fee to submit evidence of deposit of omitted item;
4. A copy of the return postcard and Utility Application Transmittal;
5. A copy of page 2 of the specification;
6. Express Mail Label No. EL95335521US; and
7. Return Postcard.

The Assistant Commissioner is hereby authorized to charge any additional fees and/or credit any overpayment to deposit account no. 50-0385.

Very truly yours,

James E. Eakin
Reg. No. 27,874

Enclosures



Applicant: D.H. COOK + TD HESPER Docket No. 62967-01034

Title/Mark: PERSONAL DIGITAL CONTENT SYSTEM Serial/Reg./Patent No. EL 758220401US

Date Sent: 01/2/01 ☐ Hand Carried ☐ 1st-Class Mail ☐ Cert. of Mailing ☒ Express Mail No. EL 758220401US

☒ Transmittal Letter

☒ Utility/Design/Continuation/CIP/FWC Divisional/PCT

Other: 4 pages of Specification

7 pages of Claims

9 pages of Abstract

9 pages of Formal/Informal Drawings

☐ Information Disclosure Statement

☐ Form PTO 1449

☐ copies of cited references

☒ Preliminary Amendment

☐ Response to Missing Parts Notice

☐ Certified Copy of Priority Doc.

☐ Claim for Convention Priority

☐ Verified Statement of Small Entity Status

☐ Transmittal of Issue Fee: Form PTO 85b Form PTO 85C

☐ Maintenance Fee for years after grant

☐ Notice of Appeal ☐ Appeal Brief

☐ Recordation of Patent Trademark: Assignments/Security Agreements/

☐ Response/Amendment to Office Action of ☐ Petition to Commissioner for

Other: RETURN POSTCARD

Check for \$ ☐ Total Deposit Account charge for \$ 370 Attorney: JE EAKIN

☐ CHI ☐ WASH

CLO2 Descrip.:

THE PATENT AND TRADEMARK OFFICE DATE STAMPED HEREON IS ACKNOWLEDGEMENT THAT THE ITEMS, CHECKED ABOVE, WERE RECEIVED BY THE PTO ON THE DATE STAMPED.

RECEIVED
MAY 09 2002
OFFICE OF PETITIONS

UTILITY PATENT APPLICATION TRANSMITTAL

(Small Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.
62967-010

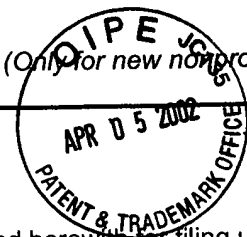
Total Pages in this Submission

36

RECEIVED

MAY 09 2002

OFFICE OF PETITIONS



TO THE ASSISTANT COMMISSIONER FOR PATENTS

Box Patent Application
Washington, D.C. 20231

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

PERSONAL DIGITAL CONTENT SYSTEM

and invented by:

D.H. COOK and T.D. HESTER

If a CONTINUATION APPLICATION, check appropriate box and supply the requisite information:

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 09/270,817

Which is a:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: _____

Which is a:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: _____

Enclosed are:

Application Elements

1. ☒ Filing fee as calculated and transmitted as described below
2. ☒ Specification having 22 pages and including the following:
 - a. ☒ Descriptive Title of the Invention
 - b. ☐ Cross References to Related Applications (if applicable)
 - c. ☐ Statement Regarding Federally-sponsored Research/Development (if applicable)
 - d. ☐ Reference to Microfiche Appendix (if applicable)
 - e. ☒ Background of the Invention
 - f. ☒ Brief Summary of the Invention
 - g. ☒ Brief Description of the Drawings (if drawings filed)
 - h. ☒ Detailed Description
 - i. ☒ Claim(s) as Classified Below
 - j. ☒ Abstract of the Disclosure

UTILITY PATENT APPLICATION TRANSMITTAL (Small Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.
62967-010

Total Pages in this Submission

36

Application Elements (Continued)

3. ☒ Drawing(s) (when necessary as prescribed by 35 USC 113)

a. ☒ Formal

b. ☐ Informal

Number of Sheets 9

4. ☒ Oath or Declaration

a. ☐ Newly executed (original or copy) ☐ Unexecuted

b. ☒ Copy from a prior application (37 CFR 1.63(d)) (for continuation/divisional application only)

c. ☒ With Power of Attorney ☐ Without Power of Attorney

d. ☐ DELETION OF INVENTOR(S)

Signed statement attached deleting inventor(s) named in the prior application,
see 37 C.F.R. 1.63(d)(2) and 1.33(b).

5. ☐ Incorporation By Reference (usable if Box 4b is checked)

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

6. ☐ Computer Program in Microfiche

7. ☐ Genetic Sequence Submission (if applicable, all must be included)

a. ☐ Paper Copy

b. ☐ Computer Readable Copy

c. ☐ Statement Verifying Identical Paper and Computer Readable Copy

Accompanying Application Parts

8. ☐ Assignment Papers (cover sheet & documents)

9. ☐ 37 CFR 3.73(b) Statement (when there is an assignee)

10. ☐ English Translation Document (if applicable)

11. ☐ Information Disclosure Statement/PTO-1449 ☐ Copies of IDS Citations

12. ☒ Preliminary Amendment

13. ☐ Acknowledgment postcard

14. ☒ Certificate of Mailing

☐ First Class

☐ Express Mail (Specify Label No.): EL758220401US

**UTILITY PATENT APPLICATION TRANSMITTAL
(Small Entity)**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.
62967-010

Total Pages in this Submission

36

Accompanying Application Parts (Continued)

15. ☐ Certified Copy of Priority Document(s) *(if foreign priority is claimed)*

16. ☐ Small Entity Statement(s) - Specify Number of Statements Submitted: _____

17. ☒ Additional Enclosures *(please identify below)*:

RETURN POST-CARD

Request That Application Not Be Published Pursuant To 35 U.S.C. 122(b)(2)

18. ☒ Pursuant to 35 U.S.C. 122(b)(2), Applicant hereby requests that this patent application not be published pursuant to 35 U.S.C. 122(b)(1). Applicant hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing of the application.

Warning

An applicant who makes a request not to publish, but who subsequently files in a foreign country or under a multilateral international agreement specified in 35 U.S.C. 122(b)(2)(B)(i), must notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.

UTILITY PATENT APPLICATION TRANSMITTAL (Small Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.
62967-010

Total Pages in this Submission

36

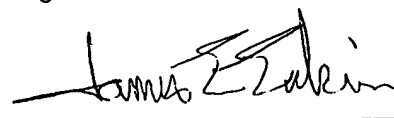
Fee Calculation and Transmittal

CLAIMS AS FILED

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	1	- 20 =	0	x \$9.00	\$0.00
Indep. Claims	1	- 3 =	0	x \$42.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
BASIC FEE					\$370.00
OTHER FEE (specify purpose)					\$0.00
TOTAL FILING FEE					\$370.00

- ☐ A check in the amount of _____ to cover the filing fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge and credit Deposit Account No. _____ as described below. A duplicate copy of this sheet is enclosed.
- ☒ Charge the amount of \$370.00 as filing fee.
 - ☒ Credit any overpayment.
 - ☒ Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
 - ☐ Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

Dated:


Signature

cc:



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov



APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/076,507	01/15/2002	David Cook	62967-034

CONFIRMATION NO. 2832

FORMALITIES LETTER



OC00000007429484

MOTT, WILL & EMERY
2700 SAND HILL ROAD
MENLO PARK, CA 94025

FEB 12 2002

RECEIVED

MAY 09 2002

Date Mailed: 02/06/2002

OFFICE OF PETITIONS
NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- o Page(s) **Page 2** of the specification (description and claims).

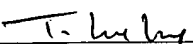
I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE